



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

May 5, 2023

BY ECF

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *First Look Institute, Inc., et al. v. National Institutes of Health*,
No. 21 Civ. 4024 (GHW)

Dear Judge Woods:

This Office represents defendant the National Institutes of Health (“NIH”) in the above-referenced Freedom of Information Act (“FOIA”) matter. In accordance with the Court’s order dated April 6, 2023 (ECF No. 63), we write respectfully on behalf of the parties to provide a status report.

As explained in prior status reports, in connection with the parties’ discussions concerning the scope of potential summary judgment briefing, NIH made a second release of previously-withheld material on January 11, 2023. Plaintiffs provided a response to that production on May 1, 2023, raising questions concerning one record withheld in part pursuant to exemptions asserted by non-party the Federal Bureau of Investigation (“FBI”), which has equities in the record. To allow NIH and the FBI to consider, and respond to, plaintiffs’ questions, we respectfully request permission to submit a further status report by Tuesday, June 6, 2023.

We thank the Court for its consideration of this letter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Christopher Connolly
CHRISTOPHER CONNOLLY
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2761
Facsimile: (212) 637-2786
christopher.connolly@usdoj.gov

cc: *Plaintiffs' counsel* (by ECF)